

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

United States of America,	)	
	)	
Plaintiff,	)	<b>ORDER ADOPTING REPORT AND RECOMMENDATION</b>
	)	
vs.	)	
	)	
Jose Gabriel Martinez-Rivera, a/k/a Mario	)	
Luna-Diaz,	)	
	)	
Defendant.	)	Case No. 1:07-cr-004

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Before the Court is a Report and Recommendation submitted by Magistrate Judge Charles S. Miller Jr. on February 2, 2007. A change of plea hearing was held in the above-entitled matter on January 31, 2007, during which the Defendant, Jose Gabriel Martinez-Rivera, entered a plea of guilty to an information charging him with the offense of reentry of a deported alien subsequent to an aggravated felony conviction. Judge Miller found that the plea was freely and voluntarily given, was knowingly and intelligently made with the advice of counsel, and was not the result of force or threats or of promises outside those contained in the plea agreement. Judge Miller recommended that the Defendant's plea of guilty be accepted. Neither party has filed an objection.

The Court has reviewed the Report and Recommendation, relevant case law, and the record as a whole and finds the Report and Recommendation to be persuasive. Accordingly, the Court **ADOPTS** the Report and Recommendation (Docket No. 10) in its entirety and **ACCEPTS** Defendant Jose Gabriel Martinez-Rivera's plea of guilty to an information charging him with the offense of reentry of a deported alien subsequent to an aggravated felony conviction.

**IT IS SO ORDERED.**

Dated this 23<sup>rd</sup> day of February, 2007.

*/s/ Daniel L. Hovland*  
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Daniel L. Hovland, Chief Judge  
United States District Court